

CHAPTER XXXVI.

March 1, 1872.*An Act to Incorporate the Village of Blue Earth City, in the County of Faribault, and State of Minnesota.*

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Be it enacted by the Legislature of the State of Minnesota:

Boundaries
and corporate
powers.

SECTION 1. All that part of the township of Blue Earth City, in the county of Faribault, and state of Minnesota, included within the following described limits or boundaries, to-wit: All of section seventeen (17), in township one hundred and two (102), range twenty-seven (27), is hereby

constituted a village by the name and style of the village of Blue Earth City, and by that name the people now inhabiting and those who may hereafter inhabit the said district of country, shall be a municipal corporation, possessing all the powers incident to municipal corporations, at common law, with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all courts of law and equity, and may have a common seal.

SEC. 2. The male inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a recorder, a justice of the peace, and a constable, who shall hold their respective offices for one year or until their successors are elected and qualified, and before entering upon the duties of their respective offices they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota; also, an oath of office. The recorder shall act as treasurer and shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account together with his vouchers to the village council at its annual meeting for adjustment and shall deliver all books and property belonging to his office, and the balance of all moneys in his hands as such treasurer and recorder, to his successor in office, on demand, after such successor has qualified according to law.

Village officers.

SEC. 3. The treasurer shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his village, and, on receipt of such moneys he shall deliver proper vouchers therefor.

Duties of treasurer.

SEC. 4. The treasurer shall, on the Tuesday preceding the annual election for village officers, make out a statement in writing, of the moneys by him received into the village treasury from officers and other sources, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each person or officer, and the date of receiving the same, also to whom and for what purpose any moneys have been paid out by him with the amount and date of each payment, he shall also state therein the amount of moneys remaining in his hands as treasurer. Such statement shall

Annual statement.

be filed by him in his office for the inspection of any person, and shall be carefully preserved and recorded in a book provided for that purpose.

Powers of
village council.

SEC. 5. The president, the three trustees and recorder shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce and from time to time amend or repeal all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, to-wit:

First.—To provide for the construction and maintenance of suitable sidewalks and street crossings, as they shall deem expedient, at the expense of the owners of the lots or parts of lots, respectively opposite and adjoining to such sidewalks or crossings.

Second.—To prevent riots, noise, disturbance of meetings or public assemblies whatever, to punish any person or persons who may be engaged in, or in any way connected with the same, and generally to promote and preserve good order and the public peace.

Third.—To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, carts, wagons, boxes, barrels, sleighs, firewood, lumber or any other material or substance whatever.

Fourth.—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry and to authorize the impounding, distraining and sale of the same.

Fifth.—To prevent any person from bringing, depositing or having within the village any putrid carcass or other unwholesome substance and to require the removal of the same by any person who shall have the same upon his premises, or by the person who may have put the same thereon, or from any street, lane, public square or alley, and in default to authorize the removal thereof at the expense of such person so required to remove the same.

Sixth.—To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys or public places, and to provide for the punishment of all persons who may be guilty of the same.

Seventh. To prevent all persons from doing any damage to the sidewalks.

Eighth.—To direct the location and management of slaughter houses and markets in said village and to regulate the sale, storage, conveying and keeping of gunpowder and other combustible materials.

Ninth.—To compel the owners, agents or lessees of any

hog-yard, or hog-pen, stable, privy, sewer, hide-yard, slaughter house, markets or any other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time as the village council may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Powers of village council.

Tenth—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers, boiler stacks, and apparatus used in and about any building, and to cause the same to be placed in a safe condition at the expense of the owner or owners; to prevent the deposit of ashes in unsafe places, or the throwing of them into the street; to regulate and prevent the use of fire-works and fire arms, and to establish such regulations for the prevention and extinguishment of fires, as they may deem proper; also to adopt such regulations as they may deem expedient to prevent the introduction or spread of contagious diseases.

Eleventh—To establish the grades of streets, and cause an accurate profile thereof to be made, a copy of which must be filed in the office of the village recorder.

Twelfth—To license public showmen or exhibitions, billiard tables and bowling alleys.

Thirteenth.—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or mules, attached to vehicles while in the streets, and to regulate the places of bathing and swimming in water in the limits of the said village.

SEC. 6. Said village council shall have full power and authority to declare and impose fines, penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law. Provided, They are not repugnant to the constitution and laws of the United States and state of Minnesota. Fines, penalties and punishments may extend as follows, to wit: Fines not to exceed one hundred dollars nor imprisonment to exceed thirty days in the county or village jail—offenders may be required to give security for their good behavior and to keep the peace for a period not exceeding one year, in a sum not exceeding five hundred dollars.

Fines, penalties and punishments.

SEC. 7. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council and shall be signed by the president or chairman, attested by the recorder and published once in a newspaper published and printed in said village or posted conspicuously in

Ordinances, rules and by-laws.

three public places in said village for ten days before the same shall be in force and shall be recorded in a book kept for that purpose.

Prosecutions.

SEC. 8. All prosecutions for violating any of the ordinances, rules or by-laws enacted under the provisions of this act shall be brought in the name of the village of Blue Earth City, and shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had thereon as are required to be had by the laws of this state in criminal or civil actions before justices of the peace. Provided, No appeal shall be allowed in any case where the fine or penalty imposed is less than twenty dollars. The justice of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

Fines and penalties.

SEC. 9. All fines and penalties imposed under or by virtue of the provisions of this act shall belong to the village of Blue Earth City and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

First election.

SEC. 10. Any five citizens, being free-holders within the corporate limits of said village and having the qualifications requisite for electors of members of the state legislature, may at any time call a meeting of the electors thereof to elect officers, provided for in section two (2) of this act by posting a notice for ten days prior to the meeting at the post office and at two more public places within the limits of said village or by publishing the same for two weeks immediately preceding said election, in a paper published in said village, stating the object of the meeting and the time and place of holding the same and the electors present at the time and place may organize such meeting by choosing viva voce, two judges of electors and one clerk, who shall take an oath or affirmation to faithfully discharge the duties required of them, and said judges and clerk being duly qualified shall forthwith open the polls by proclamation and conduct the election in the manner prescribed by the statutes of Minnesota for the election of township officers, and the judges of election shall give to each person elected a certificate of his election within five days after said election.

Election of officers.

SEC. 11. After the first election of officers, the village council shall act as judges of election, and the annual meeting for the election of officers shall be held on the first Wednesday of April in each year, at such place in said village as the council may direct, and the polls shall be opened between the hours of ten (10) and eleven (11) o'clock in the forenoon and close at four (4) o'clock in the afternoon of

said day. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for that purpose, and within five days thereafter shall notify, in writing, the persons so elected of their election.

SEC. 12. The village council shall give notice of the time and place of holding the annual meeting for the election of officers, by posting a notice of the same fourteen days immediately prior to the day of election at the post office, and at three or more public places in said village, or by publishing it for two weeks immediately prior to said election in a paper published in said village, and may at any time call a special meeting of the electors of the village, by posting or publishing a notice as provided in this section for the call of the annual meeting. *Provided*, no subject or question shall be considered or acted upon at any annual or special meeting unless it has been clearly stated in the notice for the call of such meeting.

Notice of annual election.

SEC. 13. The legal voters of said village, may, at any annual or special meeting, authorize the village council to levy a tax to build a pound, or to build a building or place for the confinement of persons arrested under the provisions of this act, and any such tax shall be levied and collected as prescribed by the statutes of this state for the levying and collecting of township taxes.

Pound and village jail.

SEC. 14. The village council shall have the exclusive right to license persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors, within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen (16) of the general statutes. *Provided*, that no license shall be granted for less than fifty dollars, and that previous to the granting of any such license, a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

Licensing of liquor dealers.

SEC. 15. The justice of the peace and constable of said village shall have and may exercise in addition to the power and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice

power of justice and constable.

of the peace or constable elected by the said township of Blue Earth City. The village justice and constable shall take the same oath of office and execute before entering upon the discharge of their duties as such officers, the same bonds and file the bonds with the same parties as justices of the peace and constables, elected by the said township of Blue Earth City are now or may be hereafter required to do, and shall receive the same fees for their services as justices of the peace and constables elected by the said township of Blue Earth City are allowed under the statutes of this state, and the constable may at any time under the direction of the president or a majority of the village council, call to his assistance any number of citizens sufficient to aid in the suppression of a riot or any public disturbance, or to aid him in making arrests.

Vacancies. SEC. 16. Should a vacancy occur in any of the offices provided for in this act, the village council are hereby authorized to fill the same by appointment.

Road district. SEC. 17. The village of Blue Earth City shall be a road district and all taxes raised within the limits of said village for building bridges or public highways or for repairing the same shall be expended under the direction of the village council. *Provided*, a village council is elected under the provisions of this act.

Board of auditors. SEC. 18. The village council shall constitute a village board of auditors for the purpose of auditing all accounts payable by said village and the recorder shall be clerk of said board and a member thereof.

Report of the board. SEC. 19. The said board of auditors shall meet annually on the Tuesday next preceding the annual village election to be held in said village, and at such other times as they shall deem necessary and expedient for the purpose of auditing and settling all charges against the said village, and they shall state on each account the amount allowed by them, but no allowance shall be made for any account which does not specially state each item of the same and the nature thereof.

To be publicly read. SEC. 20. Said board shall draw up a report stating in detail the items of accounts audited and allowed, the nature of each account and the name of the person to whom such account was allowed including a statement of the fiscal concerns of the village.

SEC. 21. Such report shall be produced and publicly read by the clerk of the said board at the next ensuing village election, and the whole or a part of such report may be referred by the order of the meeting to a committee of three

whose duty it shall be to examine the report and report thereon to such meeting.

SEC. 22. The amounts of any account audited and allowed by the board of auditors, and the amount of any account voted to be allowed by any meeting of the voters of said village shall be paid by the village treasurer on the order of the said board signed by the president and countersigned by the clerk of the said board and all orders issued to any person by such board for any sum of money due from said village shall be received in payment of village taxes of said village.

Payment of
accounts.

SEC. 23. The village justice shall report quarterly to the village council all the proceedings instituted before him in which the village is interested and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by him belonging to said village, and said justice shall be entitled to receive from the county of Faribault such fees in criminal cases occurring without the village as are allowed to other justices in the county for similar purposes.

Village Justice.

SEC. 24. The cost and expense of building, grading, paving or repairing sidewalks shall be at the option of the village council chargeable to the lots fronting on said improvement. Whenever the village council shall deem it necessary to construct or repair any sidewalk in said village they may notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks to construct or repair the same at his or their own proper expense and charge within a certain time designated by delivering to the owners or occupants of said lot or lots or parcels of land or by publication in a newspaper printed and published in said village for not less than two weeks of a notice to said owners or occupants, setting forth what work is to be done and the character of the same by such owners or occupants and the time within which they are required to do the same.

Sidewalks.

SEC. 25. If such work is not done and the said sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the village council and returned by them and said assessment so made and returned if approved by the common council shall become a lien upon said lots and parcels, as in case of town, county and state taxes.

When work
may be done.

SEC. 26. All the work for said village exceeding fifty

Work to be let
by contract.

dollars shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the village council otherwise determine. *Provided*, That they shall have power to reject all unreasonable bids.

Appropriations
to be voted for.

SEC. 27. No moneys shall be appropriated to any purpose whatever except and not exceeding the sum of fifty dollars, unless it is expressly authorized by a vote of the legal voters of said village.

Fines to be paid
into treasury.

SEC. 28. All moneys arising from fines, commutations, licenses, etc., shall be paid into the village treasury.

Powers of vil-
lage council.

SEC. 29. The village council shall have power and authority:

First.—To regulate the place and manner of selling, and to provide for the inspection and weight of hay and coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Second.—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, streets, alleys opposite thereto; and in their default, by some officer of the village at the expense of such owners or occupants.

Fourth.—To regulate and license public auctions or vendues.

Fourth.—To provide by ordinance for a standard of weights and measures, the appointment of a village sealer, and to provide for the punishment for the use of false weights and measures.

Liabie for town
indebtedness.

SEC. 30. The said village of Blue Earth City shall be liable for its proportionate share and interest of any bonds or other indebtedness which has been or may be voted or incurred by the township of Blue Earth City for any purpose whatever prior to the time when this act shall take effect or be enforced.

Act to be sub-
mitted to legal
electors.

SEC. 31. This act shall be submitted to a vote of the legal electors of the town of Blue Earth City, for their ratification or rejection at the next town election ensuing after the passage of this act. The ballots shall have written or printed thereon the words, "For Village Charter," or the words, "Against Village Charter," and the votes so cast shall be counted, returned and canvassed in the same manner as the votes for town officers at the spring elections, and if upon such canvass it shall be found that a majority of all the

ballots cast at such election had the words "For City Charter," written or printed thereon, then this act shall be in full force and effect, otherwise it shall be void.

SEC. 32. This act shall take effect and be in force from and after its passage. When act to
take effect.

Approved March 1, 1872.